

## **REMARKS**

Claims 1, 3-10, 12-19 and 21-23 are pending in this application. By this amendment, Applicant has amended the specification to reference the concave inner facet surface and the convex outer facet surface of the gripping flanges as disclosed in the original drawings. Applicant has also amended the specification to note that the concave inner facet surface can be offset from the convex outer facet surface to define a stepped relation at the facet interface edge as further disclosed in the original drawings. Particularly, Figures 1 and 2 illustrate that the outer facet surface is convex in shape and that the inner facet surface is concave in shape, and that a stepped relation can be provided at the facet interface edge. Thus, no new matter is introduced by these amendments.

### Personal Interview with Examiner

Applicant acknowledges with appreciation the Examiner's courtesy in participating in a personal interview with Applicant's representative on July 6, 2006. In accordance with Section 713.04 of the MPEP, Applicant sets forth the substance of the interview as follows.

During the interview, a sample of a preferred embodiment of the cupholder having frusto-conical cavities was presented. The independent claims presently pending and the pertinent prior art reference, U.S. Patent No. 6,398,056 B1 to Letourneau, were discussed. Applicant's representative explained the differences between the present invention and Letourneau. Applicant referred to Figures 1 and 2 and the sample, which illustrate that the gripping flanges include two facets -- a concave inner facet surface 36 and a convex outer facet surface 38. The concave inner facet surface and convex outer facet surface define the shape of

the gripping flange. Applicant's representative explained that the facet interface edge 40 is defined along the intersection of the concave inner facet surface and the convex outer facet surface and that, in one embodiment of the invention, the concave inner facet surface is offset from the convex outer facet surface to define a stepped relation at the facet interface edge.

It was agreed that the specification could be amended to reference the inner facet surface as concave and the outer facet surface as convex and the stepped relation at the facet interface edge. The Examiner indicated in the interview summary that agreement with respect to the pending claims was reached. Applicant respectfully submits that this application is in condition for allowance.

Claim Rejections

In the Office Action, the Examiner rejected claims 1, 3-10, 12-19 and 21-23 as being anticipated by U.S. Patent No. 6,398,056 to Letourneau ("Letourneau").

As discussed, Applicant respectfully disagrees with the rejection previously raised by the Examiner. Independent claims 1, 9 and 15, recite a cupholder having, among other things, first and second gripping flanges extending inwardly from at least one holding extension, each of said first and second gripping flanges having a concave inner facet surface and a convex outer facet surface with a facet interface edge therebetween.

Applicant submits that Letourneau does not disclose or suggest a cupholder having first and second gripping flanges extending inwardly from at least one holding extension, each of said first and second gripping flanges having a concave inner facet surface and a convex outer facet surface, said inner and outer facet surfaces meeting at a facet interface edge.

Referring to Figures 1-3, by way of example only, the cupholder of the present invention includes, among other things, at least one holding extension 18 having first 24 and second 26 gripping flanges extending inwardly from the holding extension. These gripping flanges are formed to grip cups or other containers when inserted into the cavity. The gripping flanges include two facets -- a concave inner facet surface 36 and a convex outer facet surface 38. The concave inner facet surface and convex outer facet surface define the shape of the gripping flange. Each pair of inner and outer facets meet at a facet interface edge 40, which extends along the gripping flange. The facet interface edge 40 is defined along the intersection of the concave inner facet surface and the concave outer facet surface. The facet interface edge is configured to engage and hold a container in place within the cavity of the cupholder.

By contrast, Letourneau merely discloses a cupholder having a plurality of planar stabilizing walls sloping inwardly from a stabilizing shoulder. Letourneau does not disclose gripping flanges having a concave inner facet surface and a convex outer facet surface with a facet interface edge therebetween to engage a container inserted into the cavity, as claimed. Instead, Letourneau discloses a stabilizing wall, wherein the planar surface of the stabilizing wall apparently is adapted to contact the container inserted into the cavity.

For at least these reasons, Applicant respectfully submits that Letourneau does not anticipate or render obvious the subject matter of independent claims 1, 9 and 15.

Applicant respectfully submits that independent claim 1 is allowable over the prior art of record at least for the reasons set forth above. Claims 3-8 depend, directly and indirectly, from claim 1. Therefore, claims 3-8 include all of the limitations of claim 1, in addition to the limitations recited in each individual dependent claim. Accordingly, because

claim 1 is allowable over the cited art, claims 3-8 are also allowable for at least the same reasons applicable to claim 1. Furthermore, dependent claims 3-8 recite additional features not disclosed or suggested by the prior art of record. Particularly, dependent claims 3-8 further specify the configuration of the gripping flanges and recite details of a raised portion at the cavity base. As such, dependent claims 3-8 are further allowable over the prior art of record.

Applicant respectfully submits that independent claim 9 is allowable over the prior art of record at least for the reasons set forth above. Claims 10, 12-14 depend, directly and indirectly, from claim 9. Therefore, claims 10, 12-14 include all of the limitations of claim 9 in addition to the limitations recited in each individual dependent claim. Accordingly, because claim 9 is allowable over the cited art, claims 10, 12-14 are also allowable for at least the same reasons applicable to claim 9. Furthermore, dependent claims 10, 12-14 recite additional features not disclosed or suggested by the prior art of record. Particularly, dependent claims 10, 12-14 further specify the configuration of the gripping flanges and recite details of a raised portion at the cavity base. As such, dependent claims 10, 12-14 are further allowable over the prior art of record.

Applicant respectfully submits that independent claim 15 is allowable over the prior art of record at least for the reasons set forth above. Claims 16-19 depend, directly and indirectly, from claim 15. Therefore, claims 16-19 include all of the limitations of claim 15 in addition to the limitations recited in each individual dependent claim. Accordingly, because claim 15 is allowable over the cited art, claims 16-19 are also allowable for at least the same reasons applicable to claim 15. Furthermore, dependent claims 16-19 recite additional features not disclosed or suggested by the prior art of record. Particularly, dependent claims 16-19

further specify the configuration of the gripping flanges and recite details of a raised portion at the cavity base. As such, dependent claims 16-19 are further allowable over the prior art of record.

Furthermore, and in accordance with a preferred embodiment of the invention, as recited in dependent claims 21-23, the concave inner facet surface is offset from the convex outer facet surface to define a stepped relation at the facet interface edge, as depicted in Figures 1 and 2. Applicant submits that Letourneau does not disclose or suggest a concave inner facet surface offset from a convex outer facet surface to define a stepped relation at the facet interface edge. As such, dependent claims 21-23 are further allowable over the prior art of record.

## **CONCLUSION**

On the basis of the foregoing amendment and remarks, Applicant respectfully submits that the pending claims of the present application are allowable over the prior art of record. Applicant thus respectfully requests that the previous rejections of the pending claims be withdrawn, and that claims 1 and 3-10, 12-19, and 21-23 be allowed. Favorable consideration and timely allowance of this application are respectfully requested.

The Examiner is invited to contact the undersigned at (212) 408-2500 if any additional information or assistance is required.

Application No. 10/621,817  
Response dated July 13, 2006  
Reply to Office Action of January 13, 2006

Applicant authorizes the Commissioner to charge any additional fees and/or credit any overpayments associated with this paper to Baker Botts Deposit Account No. Ref. No. 02-4377. Further, if a fee is required for an extension of time under 37 C.F.R. § 1.136 not provided for above, Applicant requests such extension and authorizes the charging of the extension fee to Baker Botts Deposit Account No. Ref. No. 02-4377.

Respectfully submitted,

Date: July 13, 2006



Annalisa L. Altieri (Reg. No. 53,204)  
Daniel J. Hulseberg (Reg. No. 36,554)

**BAKER BOTTS LLP  
CUSTOMER NO. 28763  
(212) 408-2500**